

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED
FEB 02 2021
CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JAMES BOST

Criminal No. **21-30**

[UNDER SEAL]

INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Scott W. Brady, United States Attorney for the Western District of Pennsylvania, and Barbara K. Doolittle, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A federal grand jury returned a two-count Indictment against the above-named defendant for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Possession of a Firearm by a Convicted Felon On or about January 7, 2020	18 U.S.C. § 922(g)(1)
2	Possession of a Stolen Firearm On or about January 7, 2020	18 U.S.C. § 922(j)

II. ELEMENTS OF THE OFFENSES

A. As to Count 1:

In order for the crime of Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. § 922(g)(1), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. JAMES BOST knowingly possessed the firearm described in Count One of the Indictment;
2. At the time of the charged act, JAMES BOST had been convicted of a felony, that is, a crime punishable by imprisonment for a term exceeding one year;
3. At the time of the charged act, JAMES BOST knew that he had been convicted of a felony, that is, a crime punishable by imprisonment for a term exceeding one year; and
4. JAMES BOST's possession was in or affecting interstate or foreign commerce.

Third Circuit Model Criminal Jury Instruction 6.18.922G (modified).

B. As to Count 2:

In order for the crime of Possession of a Stolen Firearm, in violation of 18 U.S.C. § 922(j), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That JAMES BOST knowingly possessed the firearm described in the Indictment. This means that JAMES BOST possessed the firearm purposely and voluntarily, and not by accident or mistake. It also means that JAMES BOST knew the object was a firearm.
2. That at the time JAMES BOST possessed it, the firearm was stolen and JAMES BOST knew or had reasonable cause to believe that the firearm was stolen. However, the

government is not required to prove that JAMES BOST knew he was breaking the law.

3. That the firearm had at some time traveled in interstate commerce.

Third Circuit Model Criminal Jury Instruction 6.18.922J.

III. PENALTIES

A. As to Count 1: Possession of a Firearm by a Convicted Felon (18 U.S.C.

§ 922(g)(1)):

1. A term of imprisonment of not more than ten (10) years. However, if it is determined that the defendant has three previous convictions for a violent felony or a serious drug offense, or both, then pursuant to 18 U.S.C. § 924(e), the term of imprisonment is not less than fifteen (15) years to a maximum of life imprisonment.

2. A fine of not more than \$250,000 (18 U.S.C. § 3571(b)(3)).

3. A term of supervised release of three (3) years (or five (5) years if 18 U.S.C. § 924(e) applies) (18 U.S.C. § 3583).

B. As to Count 2: Possession of a Stolen Firearm (18 U.S.C. § 922(j)):

1. A term of imprisonment of not more than ten (10) years;

2. A fine of not more than \$250,000.00 (18 U.S.C. § 3571(b));

3. Or both (18 U.S.C. § 924(a)(2)).

4. If the sentence includes a term of imprisonment, the Court may impose a period of supervised release of up to three (3) years (18 U.S.C. § 3583(b)).

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION


Not applicable in this case.

VI. FORFEITURE

As set forth in the Indictment, forfeiture may be applicable in this case.

Respectfully submitted,

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United States Attorney


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